

This Page Is Inserted by IFW Operations  
and is not a part of the Official Record

## **BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning documents *will not* correct images,  
please do not report the images to the  
Image Problem Mailbox.**

Attorney Docket No. 5051.664

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: **King et al.**  
Serial No.: **10/715,147**  
Filed: **November 17, 2003**  
For: ***Regiospecific Synthesis of Nicotine Derivatives***

February 26, 2004

Commissioner for Patents  
Post Office Box 1450  
Alexandria, Virginia 22313-1450

**PETITION TO ACCORD THE PROPER FILING DATE**

Sir:

As set forth in 37 CFR § 1.10(c) and MPEP § 506.02, Applicant hereby petitions to grant the proper filing date of **November 17, 2003** rather than November 18, 2003 for the above-identified patent application as this was the date the application was deposited as "Express Mail" in the U.S. Postal Service. The following is enclosed as evidence of November 17, 2003 being the correct filing date for the application which was properly filed under 37 C.F.R. § 1.10:

1. A true and accurate copy of the Cover Sheet for the Application showing the Express Mail signature and date on Page 2;
2. A true and accurate copy of the Track & Confirm from the United States Postal Service website ([www.usps.com](http://www.usps.com)) indicating receipt of the Express Mail package at the Post Office on November 17, 2003 and delivery of the package at the USPTO on November 18, 2003; and
4. A true and accurate copy of our return post card sent by the United States Patent and Trademark Office, showing that Applicant was improperly given the filing date of November 18, 2003 instead of the Express Mail date of November 17, 2003.

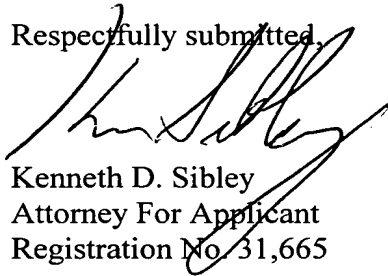
This petition is being filed promptly after Applicant became aware of the improperly accorded filing date. Accordingly, Applicant respectfully requests the granting of November 17, 2003 as the filing date pursuant to 37 CFR § 1.10.

On the basis that Applicant properly followed the requirements of 37 CFR § 1.10 and the USPTO failed to accord the proper filing date under MPEP § 505 and thus the need to file

In re: Lindsey et al.  
Serial No.: 10/654,181  
Filed: September 3, 2003  
Page 2

this petition is due to error on the part of the USPTO, it is applicant's belief that no fee is due with this petition. However, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,




Kenneth D. Sibley  
Attorney For Applicant  
Registration No. 31,665

**USPTO Customer No. 20792**  
Myers Bigel Sibley & Sajovec  
Post Office Box 37428  
Raleigh, North Carolina 27627  
Telephone: 919/854-1400  
Facsimile: 919/854-1401

**Certificate of Mailing under 37 CFR 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450 on February 26, 2004.



Lyndsey D. Hall, CP  
Certified Paralegal



## Track & Confirm

### Shipment Details

You entered EV31 8417 617U S

Your item was delivered at 8:54 am on November 18, 2003 in ALEXANDRIA, VA 22313 to PATENT OFFICE. The item was signed for by J STECKEL.

Here is what happened earlier:

- ARRIVAL AT UNIT, November 18, 2003, 8:29 am, DULLES, VA 20102
- ENROUTE, November 17, 2003, 7:48 pm, RALEIGH, NC 27623
- ACCEPTANCE, November 17, 2003, 5:27 pm, RALEIGH, NC 27612

### Notification Options

▶ Track & Confirm by email

[What is this?](#)

Go >

▶ Request Proof of Delivery

[What is this?](#)

Go >



POSTAL INSPECTORS  
Preserving the Trust

[site map](#) [contact us](#) [government services](#)

Copyright © 1999-2002 USPS. All Rights Reserved. [Terms of Use](#) [Privacy Policy](#)

### Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY DOCKET NO.: 5051-664

DATE: November 17, 2003

**UTILITY PATENT APPLICATION TRANSMITTAL LETTER  
AND FEE TRANSMITTAL FORM (37 CFR § 1.53(b))**

Mail Stop PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing under 37 CFR § 1.53(b) is:

- ☒ a patent application  
☐ a Continuation ☐ a Divisional ☐ a Continuation-in-Part (CIP) Application of prior application no.: \_\_\_\_\_; filed \_\_\_\_\_, the disclosure of which is incorporated herein by reference in its entirety.  
☒ and claims the benefit of Provisional Application No. \_\_\_\_\_; filed November 22, 2002, Internal Number 02-67.

Inventor(s) or Application Identifier:

**Laura S. King**, Raleigh, NC; **Emilie Despagne**, Raleigh, NC; and, **Daniel L. Comins**, Raleigh, NC.

Entitled: **REGIOSPECIFIC SYNTHESIS OF NICOTINE DERIVATIVES**

Myers Bigel Sibley & Sajovec, P.A.  
P. O. Box 37428  
Raleigh, North Carolina 27627  
Telephone: (919) 854-1400  
Facsimile: (919) 854-1401  
Customer No. 20792

Enclosed are:

1. ☒ Application Transmittal Letter and Fee Transmittal Form (*A duplicate is enclosed for fee processing*)
2. ☒ 34 pages of Specification (including 24 claims)
3. ☐ sheets of Formal Drawings (35 USC 113)
4. ☐ Oath or Declaration
  - a. ☐ newly executed (*original or copy*)
  - b. ☐ copy from prior application (37 CFR 1.63(d) (*for continuation/divisional*) [Note Box 6 Below]
  - c. ☐ DELETION OF INVENTOR(S) (*Signed statement deleting inventor(s) named in the prior application*)
5. ☐ Application Data Sheet. See 37 CFR 1.76
6. ☐ Incorporation By Reference (*useable if box 4b is checked*)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

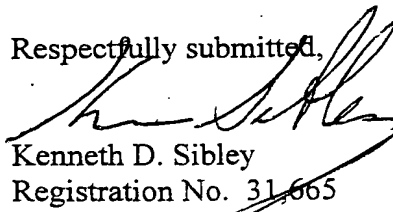
7. ☐ Microfiche Computer Program (*Appendix*)
8. ☐ Assignment papers (*cover sheet(s) and document(s)*)
9. ☐ Applicant claims small entity status. See 37 CFR § 1.27.
10. ☐ Information Disclosure Statement, PTO-1449, and \_\_\_\_\_ references cited
11. ☐ Preliminary Amendment (*Please enter all claim amendments prior to calculating the filing fee.*)
12. ☐ English Translation Document
13. ☐ Certified Copy of \_\_\_\_\_ Application No. \_\_\_\_\_ ; Filed
14. ☐ Sequence Listing/ Sequence Listing Diskette
  - a. ☐ computer readable copy
  - b. ☐ paper copy
  - c. ☐ statement in support
15. ☐ An Associate Power of Attorney
16. ☒ Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
17. ☐ Deletion of Inventor(s) (Signed statement attached deleting inventor(s) name in the prior application. See 37 CFR 1.63(d)(2) and 1.33(b).)
18. ☐ Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form.
19. ☐ Other:

The fee has been calculated as shown below:

	Column 1 No. Filed	Column 2 No. Extra	Small Entity Rate      Fee	Large Entity Rate      Fee
BASIC FEE			\$385.00	\$ 770.00
TOTAL CLAIMS	24 - 20 =	4	x .09 = \$ 36	x 18 = \$
INDEP CLAIMS	6 - 3 =	3	x .43 = \$ 129	x 86 = \$
<input type="checkbox"/> MULTIPLE Dependent Claims Presented			+ 145 = \$	+ 290 = \$
<i>If the difference in Col. 1 is less than zero, Enter "0" in Col. 2</i>			Total \$ 550	Total \$

- ☐ A check in the amount of \$ \_\_\_\_\_ to cover the filing fee is enclosed.
- ☐ A check in the amount of \$ \_\_\_\_\_ is enclosed to cover the filing fee, PLUS the Assignment Recordation fee (\$40.00).
- ☐ Please charge my Deposit Account No. 50-0220 in the amount of \$ \_\_\_\_\_
- ☐ The Commissioner is hereby authorized to credit overpayments or charge the following fees associated with this communication to Deposit Account No. 50-0220:
- a. ☐ Additional filing fees under 37 CFR 1.16 for presentation of extra claims.
  - b. ☐ Additional patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

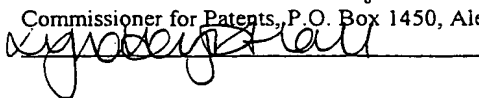
  
Kenneth D. Sibley  
Registration No. 31,665

#### CERTIFICATE OF EXPRESS MAILING

Express Mail Label No. EV318417617 US

Date of Deposit: November 17, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to: Mail Stop PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



**EV318417617US**

Small Entity Statement  
☐ Formal Drawings/      sheets  
☐ Associate Power of Attorney  
☒ Exp. Mail      1st Class Mail  
     Other:     

Respectfully submitted,  
MYERS BIGEL SIBLEY & SAJOVEC, P.A.  
Attorneys for Applicant

Patent Appln

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Date: 11-17-03  
Doc. No. 551,664  
Serial No. Filed November  
Inventor: KING et al

Sir: Kindly acknowledge receipt of the accompanying items listed below  
by placing your receiving stamp hereon and return mailing:

☒ Application Transmittal and:  
☒ Specification pages 34  
☒ No. of Claims 24  
☐ Declaration & POA  
☐ Assignment and Fee  
☐ Small Entity Statement  
☐ Formal Drawings/      sheets  
☐ Associate Power of Attorney  
☒ Exp. Mail      1st Class Mail  
     Other:     

☐ Check \$       
☐ IDS & PTO-1449 &      refs.  
☐ Amendment & Amend. Transmittal  
☐ Preliminary Amendment  
☐ Issue Fee  
☐ Brief  
☐ Appeal  
☐ Submittal of Priority Doc.

22154 U.S. PTO  
10/715147

Respectfully submitted,

MYERS BIGEL SIBLEY & SAJOVEC, P.A.  
Attorneys for Applicant



111803